

<sup>1</sup> The Board notes that following the September 11, 2019 decision, OWCP received additional evidence. However, the Board’s *Rules of Procedure* provides: “The Board’s review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal.” 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

Appellant has several other claims involving emotional conditions. Under OWCP File No. xxxxxxx368, OWCP accepted that, on August 12, 2017, she, then a 38-year-old city carrier assistant, sustained a right ankle sprain and sprain of right rotator cuff capsule as a result of an employment-related fall in the performance of duty. Appellant subsequently requested that her accepted claim be expanded to include additional conditions including depression. Under OWCP File Nos. xxxxxxx435, xxxxxxx066 and xxxxxxx767, she attributed emotional conditions to either a consequence of her accepted August 12, 2017 employment-related injury and/or factors of her federal employment.

OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between case files.<sup>2</sup> For example, if a new injury case is reported for an employee who previously filed an injury claim for a similar condition or the same part of the body, doubling is required.<sup>3</sup>

As OWCP File Nos. xxxxxxx368, xxxxxxx341, xxxxxxx435, xxxxxxx066 and xxxxxxx767, all involve claims for an emotional condition, for a full and fair adjudication, they must be administratively combined. Consolidation of the case files prior to the final decision would allow OWCP to consider all relevant claim files and accompanying evidence in developing appellant's current occupational disease claim.

Accordingly, the Board will remand the case to OWCP to ensure that the previously cited OWCP files have been administratively combined. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's emotional condition claim in File No. xxxxxxx341 based upon a review of the evidence from all of the consolidated OWCP files.

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<sup>2</sup> *K.R.*, Docket No. 20-0911 (issued October 30, 2020); *R.R.*, Docket No. 19-0368 (issued November 26, 2019); Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance & Management*, Chapter 2.400.8c (February 2000).

<sup>3</sup> *Id.*

**IT IS HEREBY ORDERED** that the September 11, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: December 15, 2020  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board